

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WELLS FARGO TRUST CO., N.A., as
Owner Trustee,

Plaintiff,

v.

FAST COLOMBIA S.A.S., doing business
as VivaColombia,

Defendant.

ORDER

23 Civ. 603 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS the Complaint was filed on January 24, 2023 (Dkt. No. 1), and the Amended Complaint was filed on February 16, 2023 (Dkt. No. 16);

WHEREAS a notice of admission to a business recovery proceeding in Colombia was filed on February 15, 2023, and signed by an “appointed mediator,” who requested that the Court “suspend” the instant action (Dkt. No. 15);

WHEREAS, on February 22, 2023, Plaintiff opposed this request on the ground that, inter alia, it is not clear what authority, if any, the appointed mediator has to make a request on Defendant’s behalf, and no attorney has filed a notice of appearance in this action on behalf of Defendant (Dkt. No. 17);

WHEREAS Plaintiff served Defendant Fast Colombia S.A.S. with the Amended Complaint on February 22, 2023 (Dkt. No. 18);

WHEREAS Defendant has not filed an answer, responded to the Amended Complaint, or appeared in this action;

WHEREAS the request for a stay from the mediator in Colombia is denied;

WHEREAS Plaintiff moved by order to show cause for a default judgment on March 29, 2023 (Dkt. Nos. 24-26);

WHEREAS this Court ordered Defendant to show cause on June 8, 2023, why a default judgment should not be entered against it (Dkt. No. 31);

WHEREAS Plaintiff served the Order to Show Cause on Defendant on May 19, 2023 (Dkt. No. 32);

WHEREAS Defendant filed no opposition to Plaintiff's motion for a default judgment and did not appear at the June 8, 2023 hearing;

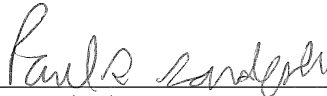
IT IS HEREBY ORDERED that an order of default is entered against Defendant Fast Colombia S.A.S.

IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Lehrburger for a report and recommendation regarding Plaintiff's request for damages, attorneys' fees, and costs.

The Clerk of Court is directed not to close this case.

Dated: New York, New York
June 8, 2023

SO ORDERED.



Paul G. Gardephe
United States District Judge